(1) (3)

4148/04

Filed on 03/11/04
by Shri S Chandrakar Advocate

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

Criminal Appeal No. 418 /2004

APPELLANT : Khatun Bee, W/o. Late Rahim Khan, aged about 60 years, R/o. Maharpara, Ward No.8, Gandai, P.S. Gandai, District – Rajnandgaon (C.G.)

R. to D.R. (J) 03/11/04

VERSUS

RESPONDENT : State of Chhattisgarh

MEMORANDUM OF APPEAL U/SEC. 454 OF THE CODE OF CRIMINAL PROCEDURE

... passed in miscellaneous Case No.

XI-HC-22

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

Cr-A. No. 948/

मामला क्रमांक ..... सन् 2004

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	08-05-2006	

Shri Anoop Mazumdar, learned counsel for the appellant.

Shri Vivek Sharma, P.L. for the State.

This appeal is heard finally today.

This appeal is directed against the order dated 23-09-2004 passed by the Special Judge, Rajnandgaon refusing to return the amount of Rs.11,013/- seized from the possession of the husband of the appellant.

Brief facts are that one Rahim Khan was prosecuted for the offence under Section-20(B)(1) of Narcotic Drugs and psychotropic Substances Act 1985. An amount of Rs.11,013/- was seized by the Investigating Officer from his possession along with contraband ganja. After trial, learned Special Judge, Rajnandgaon acquitted the accused appellant Rahim Khan but ordered that the seized property be returned to the concerned department after the period of appeal, if no appeal was preferred. After the death of Rahim Khan, his widow Khatun Bee made an application before the Special Judge, Rajnandgaon for return of Rs.11,013/- to her lying in possession of P.S.-Gandai. This prayer was rejected by the impugned order.

[पाछे देखिये

XI-HC-22

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr.A.No.948/ सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Having considered the rival submissions and after perusing the order dated 23-09-2004 for return of property to the concerned department after the period of an appeal, if no appeal was preferred, passed in para-10 of the judgment dated 25-04-2003 delivered by the Special Judge, Rajnandgaon in Sessions Case No.102/2002., there remains no doubt that the order is wholly contrary to law. Upon acquittal of the accused, the cash recovered from him, ought to have been returned to him. In the result, the appeal is allowed. It is directed that the amount of Rs.11,013/- seized from the possession of appellant Rahim Khan (since dead) be returned to his widow Khatun Bee. Sd/- Dilip Raosaheb Deshmukh Judge	

[पीछे देखें